

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-2, 4-7, 13-16, and 19-29 are pending in the application, with claims 1, 14, 19, 26 and 28 being the independent claims. Claims 3, 8-12, 17, and 18 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. New claims 19-29 are sought to be added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

***Rejections under 35 U.S.C. § 103***

Paragraph 2 of the Office Action rejects claims 1, 8, 10, 12, 13, 17 and 18 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2001/0036274 A1 to Antoine ("Antoine") in view of U.S. Patent No. 6,907,062 to Carlson ("Carlson 2"). Applicants respectfully traverse. For at least the following reasons, Applicants respectfully request the Examiner reconsider and withdraw the rejection.

Without acquiescing to the propriety of the rejection of claim 1 and solely to expedite prosecution of the instant application, claim 1 has been amended to recite features previously included in original claims 1 and 3. As stated in paragraph 10 of the Office Action, original claim 3 would be allowable if rewritten in independent form.

Therefore, amended claim 1, and its respective dependent claim 13, are believed to be allowable. Claims 8, 10, 12, 17, and 18 have been canceled, rendering their rejection moot. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of independent claim 1, and its respective dependent claim 13, as set forth in paragraph 2 of the Office Action.

Paragraph 8 of the Office Action rejects claims 14-16 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0012272 A1 to Carlson ("Carlson 1") in view of Carlson 2. For at least the following reasons, Applicants respectfully request the Examiner reconsider and withdraw the rejection.

With respect to claim 14, Carlson 1 fails to teach or suggest the claimed features.

Claim 14 recites:

A method, comprising:

selecting parameter data based on an association of the selected parameter data with a reasonable peak-to-average (PAR) ratio for a sequence of Medley symbols according to at least one transmit signal parameter of an ADSL modem; and

generating a pseudo-random bit sequence based on the selected parameter data; whereby the pseudo-random bit sequence can be output to seed generation of a Medley signal in the ADSL modem.

Carlson 1 appears to describe a transmitter that determines the PAR for each signal generated by a pseudo-random bit sequence (PRBS) generator, with the signal having the lowest PAR, or at least an indication of the signal, being used to generate a non-data mode signal. This non-data mode signal may be a Q-mode signal, which can put a modem into a low power state. (See Carlson 1, paragraphs [0005] - [0009]). On the other hand, claim 14 recites a method whereby a pseudo-random bit sequence is

generated based on selected parameter data, the parameter data being selected based on an association of the parameter data with a PAR for a sequence of Medley symbols. Carlson 1 uses a PRBS to generate non-data mode signals, whereas claim 14 recites a method to generate PRBS based on selected parameter data. Carlson 2, alone or in combination with Carlson 1, fails to overcome the deficiencies of Carlson 1 with respect to claim 14. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of independent claim 14, and its respective dependent claims, as set forth in paragraph 8 of the Office Action.

Paragraph 5 of the Office Action rejects claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Antoine and further in view of U.S. Patent Publication No. 2001/0022810 to Joo ("Joo"). For at least the following reasons, Applicants respectfully request that the Examiner reconsider the rejection and that it be withdrawn.

As explained above, independent claim 1 as amended overcomes Antoine and Carlson 2. Dependent claim 2 then is patentable over Antoine and Joo for at least the reasons mentioned with respect to claim 1, and further in view of its own respective features. Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 2 under 35 U.S.C. § 103(a) over Antoine and further in view of Joo as set forth in paragraph 5 of the Office Action.

***New Claims 19-29***

Applicants have added new claims 19-25, which recite features found in original claims 1-2 and 8-12, new claims 26-27, which recite features found in original claims 1

and 8-10, and new claims 28-29, which recite features found in original claims 1, 8, and 10-11. New claim 19 is an independent claim that recites a PRBS generator having three modes and is believed to be patentable. Claims 20-25 depend from new independent claim 19 and are also believed to be patentable. New claim 26 is an independent claim that recites features previously included in original claims 1 and 8-9 and is believed to be patentable since the Examiner identified original claim 9 as containing allowable subject matter. Claim 27 depends from new independent claim 26 and is also believed to be patentable. New claim 28 is an independent claim that recites features previously included in original claims 1, 8, and 11 and is believed to be patentable since the Examiner identified original claim 11 as containing allowable subject matter. New claim 29 depends from new independent claim 28 and is also believed to be patentable. Accordingly, consideration and allowance of new claims 19-29 are respectfully requested.

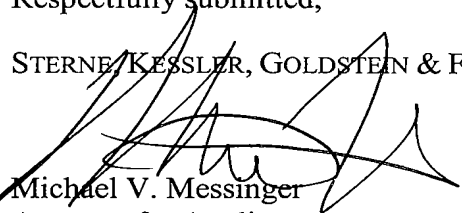
***Allowable Subject Matter***

Applicants thank the Examiner for identifying claims 3-7, 9, and 11 as containing allowable subject matter. As mentioned above, amended claim 1 recites features previously included in original claims 1 and 3, new claim 26 recites features previously included in original claims 1 and 8-9, and new claim 28 recites features previously included in original claims 1, 8, and 11. For at least the reasons presented herein, amended claim 1 and new claims 26 and 28 are allowable. Thus, claims 4-7 are not dependent on an unallowable base claim. Reconsideration and allowance of claims 4-7 are respectfully requested.

***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,  
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